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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NANCE M. HUTTER,

Case No.: 09 CV 10092 (NSR)(LMS)

Plaintiff,

- against -

COUNTRYWIDE BANK, N.A., a subsidiary of  
COUNTRYWIDE FINANCIAL  
CORPORATION, WATERMARK CAPITAL,  
INC. and EVOLUTION MORTGAGE, INC.,

Defendants

**CLARIFICATION OF DEFENDANT WATERMARKS INTITAL  
STATEMENT OF MATERIAL FACTS**

Watermark Capital Inc., (“WATERMARK”) by its attorneys, the Law Office of John T. Serio, pursuant to Rule 56.1 of the Local Rules of the United States District Court for the Southern District of New York, respectfully submits this clarification to its initial Statement of Material Facts about which there is no Genuine Issue.

1. In paragraph 5 of Watermarks original Statement of Facts, this

defendant stated "Todd Matthews, believing Charles Dragna to be licensed in New York, referred the loan to him." See Serio 56.1 Stmt. p. 4 para# 5.

2. In her counter statement of Material Facts, the Plaintiff address this issue stating "Hutter has never encountered that statement before." The plaintiff then points out that defendant failed to support its statement by citing to evidence, all in violation of Local Rule 51.1(d).

3. Unfortunately, the defendant did in fact fail to cite to evidence in support of this statement. However, this was an inadvertent omission. Attached as **Exhibit N** to defendants original moving papers, is portions of the Charles Dragna deposition testimony. At page 58, Mr. Dragna unequivocally states that Matthews thought he was licensed when he referred the loan to him (Dragna). **See Exhibit N, p. 58.**

58. The plaintiff possessed this information from the initial filing of the summary judgment motion and well before as this has been defendants position throughout this litigation.

4. Therefore, this defendant has complied with the spirit of the Local Rule as the supporting evidence was indeed presented but mistakenly not referenced.

Dated: March 31, 2015

Respectfully submitted,

Law Office of John T. Serio

  
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